

NEWINGTON TOWN PLAN & ZONING COMMISSION

Regular Meeting

February 24, 2010

Vice-Chairman Domenic Pane called the regular meeting of the Newington Town Plan and Zoning Commission to order at 7:00 p.m. in Conference Room E at the Newington Town Hall, 131 Cedar Street, Newington, Connecticut.

I. ROLL CALL

Commissioners Present

Commissioner Anest
Commissioner Camerota
Commissioner Hall
Commissioner Pane
Commissioner Schatz
Commissioner Aieta
Commissioner Carragher
Commissioner Lenares

Commissioners Absent

Commissioner Casasanta
Chairman Pruett

Staff Present

Ed Meehan, Town Planner

Commissioner Carragher was seated for Commissioner Pruett and Commissioner Lenares for Commissioner Casasanta

II. PUBLIC HEARINGS

A. Proposed DRAFT 2020 Plan of Conservation and Development – Chapter 126, Section 8-23. Proposed by the Newington Town Plan and Zoning Commission. Continued from January 27, 2010.

Vice-Chairman Pane: I want to welcome everybody. As some of you are aware we talked about the 2020 Plan for a little while under our special meeting and we're going to continue later in the meeting and we are also going to have a special meeting on March 10th, to finalize this. I'll open it up right now for any comments from the public wishing to speak about the 2020 Plan. You are welcome to come to the podium and state your name and address for the record. Does anyone have any comments on the 2020 Plan?

Mark Shipman: My name is Mark Shipman and I'm here on behalf of the Hayes Kaufman Group. They own property that is at Cedar and Fenn site that is referred to a number of times as a transit oriented area, as a gateway area, as an opportunity area, and we didn't come to the prior meetings quite frankly because your original draft was quite satisfactory as far as we were concerned with respect to the site and in review of the number of what I would call interim votes that have occurred and some of the discussion which I heard tonight, although I didn't hear the beginning, I didn't realize that that was going forward or I would have been here earlier, have given us some concern about what opportunities are available

at this site. I think that rather than give you my written comments with gestures I will try to summarize and basically say that what we are concerned about is that the changes appear to be limiting. They appear to look more like you are trying to make an ordinance or a regulation with respect to the transit oriented properties rather than a generalization which will leave you flexible. To start talking about how much density you want to permit, or the level of density that you want to permit, before you have an opportunity to see a proposal on a particular zone, is not necessarily appropriate for a town Plan of Development. Town Plan of Development should be very flexible, it's got to look out ten years, and you don't know what is going to happen in ten years. Right now you only have two areas that look like they are transit related areas, there might be five, eight or nine years from now, and the two areas are entirely different. The area that the property that we are involved with has no residential development nearby. The area in the north end of town has considerable residential development nearby. How you would look at each of those sites should be entirely different. The uses that you would look at should be entirely different. The densities that you look at should be entirely different, trying to do it now in a comprehensive document and lump transit oriented districts together without the flexibility can be harmful. It also can be harmful in the sense that the Plan is a mandate by the State and the 8-23 which you cited at the beginning of the Plan indicates that it has to be in harmony with the State Plan of Development and the Regional Plan of Development. Well, it was when you first drafted it. I'm not so sure it is any more. I'm not so sure that when you specify and limit the areas of transit oriented development that you are in harmony with the language of the State Plan of Development. I think that you can refer to that, but you don't have to be specific. You are in total control because this is a combined commission. If this was a separate Planning Commission and a separate Zoning Commission I could understand the care and concern that you have with respect to applying a broad blanket over a large area, although I don't think that is what you would do. But when you are a combined Commission, you don't want to restrict yourself either way. You don't want to make the document too permissive, and you don't want to make it too restrictive. You want to give yourself a total opportunity to look at what comes before you in the future. We have always suggested in terms of small areas, I'm using this with a small "s", small "z", but because these two areas are so discreet and because the State Plan only talks about quarter mile radius, you literally have an opportunity to spot zone. I don't use it in the word that is repugnant, spot zoning, but you have an opportunity to carve out areas and create them. You can do it with an overlay zone, that only applies to transit oriented districts and you can set standards which are very specific when you create the zone, but don't limit yourself now, don't say your concern, I understand from reading the minutes that there is concern about density in a lot of areas of town. I grew up here, spent the first xxxx years of my life here, I hate to tell you how many have gone by, but I understand that you don't want to impose high density on single family residential areas. I don't think you should, but I don't think you should prevent yourself from looking at a site that may be the most obvious site to have high density, and say you can't have it right away. You may decide that you don't want it later, but don't say it in here because then you take away the opportunity later. I also think you hurt yourself, look, I'm not involved in the town's parcel, I heard the discussion about the National Welding parcel, but you've got to leave the town some flexibility or you may hamper its ability to get grants. I mean, you want to clean up the property, we want you to clean up that property, it enhances our property when it's cleaned up but you have to stand in line with a lot of towns that want to clean up property, and if your Plan of Development looks like it is overly restrictive, you may push it out farther in the line. If the State is very concerned and they do plan to put the busway in, and it still looks like that might happen, unless they plan on giving back eighty-five million dollars that they have already committed to it, then you want to leave yourself the opportunity to be first in line, because they want it cleaned up too. Mixed use, fine. I don't know what small mixed use means. I've been doing this for fifty years and I don't know what small mixed use means. A mixed use is a mixed use. I don't know whether it is large or small, I don't think uses are

small. Buildings are small, developments are small, uses are uses. I think trying to squeeze a definition that is going to be restrictive is not helpful to you. We've, I didn't put it in here because I didn't want to be arrogant, or an affront, but there are lots of TOD zones that are around. There's lots of models that you can look at before you finally agree on how you want to make the Plan of Development. You should look at those. You should look at some TOD zones. We'd be happy to provide some. You should be able to see how you may limit or expand development based on the site. What you would want to have at Cedar and Fenn where there is already a shopping center adjacent to it, where there are no residences within, at least you couldn't throw a rock at any, and where the college is over the hill as the only real residential area in the neighborhood, that might be entirely different from what you would want any where else. If the busway goes away, and it's a gateway property, it might look entirely different, you don't want to restrict it, if it is a gateway property. All I'm saying is, that, keep the document flexible. Don't restrict yourself by creating a regulation when you adopt the Plan of Development. The broad language that's used, or that was used in the original document it didn't mention anything. If it said higher density in transit oriented area, what's high density? Is it six units an acre as opposed to two? Is it eight units an acre as opposed to four? That is for you decide when you pass a regulation. Not when you adopt the Plan of Development. Thank you. Any questions, I'd be happy to answer.

Vice-Chairman Pane: Thank you very much. Anybody wishing to speak from the public on the 2020 Plan, either in favor or against anything in the plan? Okay, if there are no more comments from the public, we'll go on to the next petition.

B. PETITION 32-09 – Assessor Parcel 16-647 adjacent to 1268 Main Street (south side), Reno Properties LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact, Alan Bongiovanni, BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111, Harris A. Friedberg owner, request for zone map amendment R-12 to B-TC Business Town Center. Continued from January 27, 2010.

Alan Bongiovanni: Good evening Mr. Chairman, Members of the Commission, Staff, we are scheduled for a public hearing, and later on, on the agenda an accompanying site plan application. There has been an outcry from the public in opposition to this proposal for a zone change on the relatively small piece of property. We would like to ask the Commission some advice. Because of the last meeting being cancelled and the snow, we didn't get to present some information we believe as a matter of law, and I think Reno Properties' attorney submitted a letter saying that the public hearing is closed because the time has expired. We would either like to withdraw our application at this time or have the Commission deny it without prejudice. There's a couple of regulations in Section 7 that talk about can't come back for a year unless the Commission grants an exception, so whichever works best, we would like to come back, if we can work with the neighbors. We don't know if that is possible, but there has been a lot of opposition. There are some things that I don't think we can enter into the record because that portion of the hearing is closed. So we will try to work with the neighbors.

Vice-Chairman Pane: I think the Commission understands that and if you want to withdraw without prejudice the application, we will make a note of that and if in the future when you work out things, the details, and you want to come back, you don't have to wait a year.

Alan Bongiovanni: Thank you very much, we'll submit a letter to the Town Planner tomorrow.

Vice-Chairman Pane: Thank you. Any questions from the Commissioners?

C. PETITION 1-2010 – 187 Stamm Road, Raymond F. Forgione owner, Arthur Vendola, P.E. 323 East Main Street, P.O. Box 3100 New Britain, CT 06050 request for Special Permit Section 6.3.6 Flood Hazard area, to add 5, 250 sq. ft. to building.

Vice-Chairman Pane: Is the applicant here. Could you come up to the podium please and present.....

Arthur Vendola: I'm a professional engineer and my office has been in New Britain since 1968. In 1987 put on an addition to their building, two stories, BF is a designer of metal products, I'm really not too sure what they are, I probably should take a tour of the plant. In 1987 they put an addition on, it was sixty by thirty-five feet, two stories, and now they want to extend that addition, running parallel to the property line, not running out into the wetlands.

Vice-Chairman Pane: Thank you. Let's go to the town Staff report on this, Ed?

Ed Meehan: Okay. I don't know if you have your most current maps. I understand from the Town Engineer Mr. Ferraro that revised maps were brought in recently and that is why there are not maps out.

Commissioner Aieta: There's these maps here.

Ed Meehan: Those maps are obsolete. There is information on those maps that is incorrect as far as the flood hazard area, the wetland boundary and so forth. Generally, what the situation here is, this requires a special permit because it is in the one hundred year flood area. As the presenter mentioned, when this was originally approved probably back in the early '80's, and when the small addition was put on back in '87, this area was not regulated under the FEMA, Federal Emergency Management Agency flood area, but there are several instances of flooding on Stamm Road, and when the maps were revised in 2008, the new flood insurance maps, September 2008 placed this property in the flood hazard zone. So it requires a finished floor elevation of at least one foot above flood level and requires the applicant's engineer to provide a displacement study which basically says you can't displace water onto your neighbor's property. Two significant requirements for this addition which is over five thousand square feet, from what the Town Engineer tells me is that Mr. Vendola is working on those calculations. He has a design that places the building on piers. Is that correct?

Arthur Vendola: Yes.

Ed Meehan: The five thousand square feet would be on piers and that would provide for some displacement of water underneath the building. The area now where the building is proposed to go is already bituminous, it's already been improved, but it is subject to flooding as that section of Stamm Road is. So I would request that the hearing be continued with the applicant's indulgence. He still is before the Conservation Commission, until you have the correct maps which show the flood insurance boundary, and the Commission has a chance to look at the proposed addition and its profile with it constructed on piers. This is more of a technical application than really a land use application. We need to be able to certify to the Federal Emergency Management Agency and our Building Inspector needs to be able to certify that the building meets the flood standards before a special permit can be issued. That's the documentation that we are waiting for the engineer to present us. So that is where we are with it right now.

Arthur Vendola: I did present the corrected maps to the Town Engineer and the Inland Wetlands last week, so they do have copies of it, and I was there last week. I also have prepared calculations showing how the building can be built above the flood line and how no flood water, the hundred year, the elevation 66 will not be affected at all by it. There will be piers and the piers will displace a certain amount of cubic feet of water, and it's going to be excavation, on their property, off of the wetlands to compensate for that. I brought in the calculations to the Town Engineer yesterday.

Ed Meehan: Good, well, that is what staff needs some time to review. If there are technical questions we will, as we did before, sit down and work those out and report back to the Commission.

Arthur Vendola: I have talked to the Town Engineer and I'm pretty sure that I have satisfied everything that he wanted.

Vice-Chairman Pane: Very good. Give us a chance to review everything and we are going to continue this meeting. Thank you very much.

Commissioner Hall: When I went past the property I didn't see a sign posted.

Ed Meehan: Okay, I'll take care of that. I know that you submitted maps recently to Conservation Commission last week, did you provide us with a set of maps? How many did you give to Mr. Ferraro?

Arthur Vendola: I think it was thirteen.

Ed Meehan: Thirteen, I'll see if we can borrow some of those, no, we don't need to keep making prints.

Arthur Vendola: Are you going to see him tomorrow?

Ed Meehan: I sure will.

Arthur Vendola: Will you give him this?

Ed Meehan: I will.

Vice-Chairman Pane: We are going to need either you or the applicant put a sign up, have him come in and see Ed so that there is a public hearing sign placed on the property as soon as possible.

Commissioner Aieta: What is the use of the building, I'm just curious.

Arthur Vendola: They design metal parts.

Vice-Chairman Pane: A machine shop.

Commissioner Aieta: Okay.

Vice-Chairman Pane: If there are no other comments from the Commissioners, I'm going to go to the public. Anyone from the public wishing to speak in favor of this application? Anybody wishing to speak against this? Okay, we're going to keep this open and continue. Thank you very much for your time.

III. **PUBLIC PARTICIPATION** (relative to items not listed on the Agenda-each speaker limited to two minutes.)

None.

IV. **MINUTES**

January 27, 2010 – Special Meeting
January 27, 2010 – Regular Meeting

Commissioner Schatz moved to accept the minutes of the January 27, 2010 Special Meeting and the January 27, 2010 Regular meeting. The motion was seconded by Commissioner Camerota. The vote was unanimously in favor of the motion, with seven voting YES.

V. **COMMUNICATIONS AND REPORTS**

None

VI. **NEW BUSINESS**

- A. **PETITION 33-09** – Assessor Parcel 16-647 adjacent to 1268 Main Street (South Side) Reno Properties, LLC, 170 Pane Road, Newington, CT 06111 applicant, project contact, Alan Bongiovanni, BGI Lane Surveyors, 170 Pane Road, Newington, CT 06111 Harris A. Friedberg owner, request for site development approval Section 5.3 for construction of 2,500 sq. ft. bank. Inland Wetlands Report required. Continued from January 27, 2010.

Vice-Chairman Pane: Petition 33-09 has been withdrawn so we will move on to Old Business.

VII. **OLD BUSINESS**

- A. **PETITION 35-09** – 2600 Berlin Turnpike, Mauro Agency, Ted Mauro owner, Camille Criscitello, 2600 Berlin Turnpike, Connections Dating, Newington, CT 06111 applicant, request for Special Exception Section 6.2.4 Free Standing Sign, B-BT Zone District. Sixty-five day decision period ends April 2, 2010.

Commissioner Lenares moved that PETITION 35-09 – 2600 Berlin Turnpike, Mauro Agency, Ted Mauro owner, Camille Criscitello, 2600 Berlin Turnpike, Connections Dating, Newington, CT 06111 applicant, request for Special Exception Section 6.4.4 Free Standing Sign, B-BT Zone District, be denied for the following reasons:

1. The size of the proposed sign addition to the existing pylon exceeds the Zoning Regulation standard for total sign area display by 1 square foot.
2. The information submitted is incomplete and does not account for wall sign display at 2590 Berlin Turnpike, a current vacant commercial space, which has in the past had tenant wall signage.

The motion was seconded by Commissioner Camerota.

The vote was unanimously in favor of the motion, with seven voting YES.

VIII. **PETITIONS FOR SCHEDULING** (TPZ March 10, 2010 and March 24, 2010).

Ed Meehan: There is a couple of items, first the Stamm Road special permit will be carried over to public hearing and we have a re-subdivision application on Cedarwood Lane from the Callahans. Frederick Callahan asking to re-subdivide a property up there. That requires a public hearing, and we have an application from H.O. Penn on Richard Street for a renewal and expansion of their DMV license for equipment sales which would require a public hearing. With the Commission's direction, all of these can be done for March 10th, if you would like.

Vice-Chairman Pane: What is it, a renewal?

Ed Meehan: H.O. Penn has had a DMV license to sell used equipment, I guess it is trailers and other over the road equipment, we believe since they originally started on Day Street in Newington. When they moved to Richard Street we couldn't track the actual special exception but it would have been before ZBA. They came in and asked for approval for a new dealer's license which compliments their used dealer's license. They did provide us with documentation of a DMV license, a current one, for used sales, and it's a valid license. We don't seem to have our paperwork on file for it because it probably goes back to the seventies, or maybe the eighties when they moved to Richard Street. So this essentially is before the Commission for a new dealer's license so they can see new trailers, not used trailers.

Vice-Chairman Pane: Well, they sell new equipment now, right?

Ed Meehan: Well, some of it is not over the road. They sell track equipment, these would be like trailers, things that need licenses plates on them. Now the reason this is important, the reason that we wanted to make sure they have an existing DMV license is because if you may recall, the Commission deleted from the Zoning Regulations a year ago, two years ago, new auto related uses, so that is why when they provided us with the DMV license, we took that as documentation they have something there at that location.

Vice-Chairman Pane: Okay, any other comments, questions from the Commissioners?

IX. **PUBLIC PARTICIPATION**
(For items not listed on agenda)

Ray Morant: I represent Connections Dating and you guys just voted on the 2600 Berlin Turnpike. We submitted information yesterday changing the size of the sign, so it would conform to the one square foot that needs to be reduced and we don't even have a wall sign, thus the second motion that was on there was protecting a non-existing tenant and giving them space and is not actually there. We actually occupy the, out of all the tenants we occupy the largest square footage out of everybody there, and we're not only being denied, you know, a sign, we're being denied a sign to protect a tenant that doesn't exist.

Vice-Chairman Pane: Okay, let me see if I can answer some of your questions.

Ray Morant: Okay.

Vice-Chairman Pane: The Commission, there is a tenant there, and this is has probably got more to do with the landlord than it does with you, but there is a space there at the 2590 that has an empty spot and this Commission can't go ahead and approve additional signage some where else, and not leave any allocation for a sign for that tenant spot, so the landlord

should have had, he should have allocated something for that tenant spot, and then provided you with additional signage on the directory sign. I think what has to happen is, you have to get together with you, and the landlord, come into the Town Planner and try to reorganize the existing sign that you have there, the directory sign plus the wall sign, and try to redesign it so that a space is available for the empty spot, and some space is available for you on the directory sign. There's probably a couple of different ways that that can be done, and achieved so that you can get what you want, and the Commission can approve something that is not going to become a problem years from now.

Ray Morant: Well, we don't even have wall sign space right now.

Vice-Chairman Pane: I know you don't, but in the sign regulations, other tenants do have wall space and all of that signage comes into play.

Ray Morant: So we're, what I am essentially being told is even though the square footage conforms to the zoning code, we're being denied any sign at all to protect a future tenant.

Vice-Chairman Pane: No, what I'm saying is that the landlord hasn't really provided the proper signage for you and another tenant, and he needs to come in with you and go over it with the Town Planner so that by re-organizing the signage that is there, he can provide signage for everybody along with yourself. You have been there for some time now, and you have no signage at all?

Ray Morant: No signage at all.

Vice-Chairman Pane: Okay, so this is a problem, and I understand the problem but you've got to have a landlord come in and sit down with the Planner, and come in with him, and work this out.

Ray Morant: What I also don't understand is just recently an additional 320 square foot of signage was added to a different tenant, how come the Town Planner and the Commission didn't take that into consideration at the time when they approved that tenant's additional signage on top of theirs, and they already had a directory sign and also got another 320 square foot of signage right in front, on top.....

Vice-Chairman Pane: What tenant is that?

Ed Meehan: It's the coin exchange.

Ray Morant: Coin exchange, right.

Ed Meehan: Thirty two square feet, not 320.

Ray Morant: I'm sorry, 32 square feet.

Vice-Chairman Pane: For instance, just to give you an example, that coin shop has a wall sign, I think, and two spots on the directory sign. If I was the landlord I would go back to the coin guy and limit him to one of these spots and give you something on there, or there are larger signs on there. Maybe they could be reduced so that a spot could be provided for you, so there is a lot of different methods, and I understand the problem that you have and I think the best method to take care of this is to have your landlord come in and with you, meet with the Town Planner and try to work it out, and if you can work it out with the Planner, we'll rehear this, and get something solved for you.

Ray Morant: We also got a letter from the landlord stating, I don't know if you had an opportunity to read it....

Vice-Chairman Pane: The Planner filled me in that the landlord wrote a letter that basically said that he is going to dismiss any signage for the tenant that, the empty spot basically, and we can't take that into consideration because then if he rents that spot out, how can that tenant have no signage at all? It's not fair to him, and what it's going to lead to is, it's going to lead to enforcement issues down the road. The tenant will end up putting a sign up there, and then our enforcement, it's just going to be an enforcement problem. I feel sorry for you because this is something that the landlord should be providing for you, but he has to come in, he can't just write a letter saying it's okay, that tenant doesn't have to have any signage. He has to come in and work the details out with the Town Planner so that we can get you satisfied.

Ray Morant: Okay, and also initially when I came in, what I was, the information that I was given from the Town Planner was that the Town and the Zoning Commission has no interest in protecting tenants, it's just by property. There's X amount of square footage allowed, per property, so I got a lot of conflicting information throughout the entire process.

Vice-Chairman Pane: I apologize for that, but some of the Commission members noticed that problem and we informed the town staff about it and we said that we don't want any problems down the road, so we want to make sure that the sign regulation is, have signs for everybody and there is space for everybody and so this is why we directed him to do what he did.

Ray Morant: Because you do realize that it is going to be a big mess now, going back to the existing tenants who were approved by the Commission asking them to reduce their signage.

Ed Meehan: No, they were not approved by the Commission. Wall signs, and those panel signs did not come before the Commission.

Ray Morant: They did not.

Ed Meehan: No, the Chairman mentioned.....

Ray Morant: The Commission only deals with free standing signs.

Ed Meehan: That's correct. Additions to free standing signs that require a special exception. The Commission has no involvement, as the Chairman mentioned in saying this tenant gets so many panels as opposed to another tenant. That is really a lease issue between you and your landlord.

Ray Morant: So we could just go ahead and put a wall sign right now?

Vice-Chairman Pane: No, you would still have to comply with the sign regulations.

Ray Morant: This would comply with the sign regulations.

Ed Meehan: If your square footage met the requirements of a wall sign, and it was uniform with the other ones and it didn't exceed the 420 square feet, you could do it.

Ray Morant: I mean, we're not interested in that, I'm just curious, we need a lit sign on the street.

Ed Meehan: And when the Coin Exchange came in, that was pointed out to the proprietor of the Coin Exchange.....

Vice-Chairman Pane: I'll tell you what, I'll give you my phone number, I'll be happy to meet you on the property and meet with you and your landlord and help you. Okay? My number is 983-7663, 860

Ray Morant: Thanks for your help, and you have seen the diagrams that we have proposed?

Vice-Chairman Pane: Yes, and I'll bring those with me when you call me.

Ray Morant: All right, appreciate that. Thank you very much.

X. REMARKS BY COMMISSIONERS

DRAFT 2020 Plan of Conservation and Development (POCD).

Vice-Chairman Pane: I'd like to take a few minutes, Commissioners, and go back to where we left off and page 25 which was Development Strategies. We had 25 and the transit areas and stuff. I think on this area here, the correct thing to do would be to read the comments from Attorney Shipman that we received tonight, and take these things into consideration before we make any further decisions in this area. So what I would like to do is skip a few pages here, and then we'll read these comments and then we will be able to act on this properly this next meeting.

Commissioner Aieta: This is in relationship to the transit station.....

Vice-Chairman Pane: Just those areas. Some of those areas are on page 25 I believe so, let's go back to, I think we covered page 29 pretty good.....

Ed Meehan: Excuse me, Mr. Chairman, on page 25 you added two goals relative one to the Hartford Hospital property on Constance Leigh and then the other one was redevelopment of vacant commercial and underutilized commercial sites?

Vice-Chairman Pane: Yes.

Ed Meehan: I'll add those.

Vice-Chairman Pane: Over on page 29, I don't know if we made any changes there on page 29.

Ed Meehan: I had number 2, deleted.

Vice-Chairman Pane: Okay, so we went through that....all the Commissioners are satisfied with that?

Commissioner Lenares: We're on page 36.

Vice-Chairman Pane: You want to skip to over to 36?

Commissioner Lenares: Well, that is where we ended.

Vice-Chairman Pane: Okay, I think you guys are correct.

Ed Meehan: There were comments in your packet for the February 10th meeting from the Library Board that I want to just flag for your attention. I think they were in this area, about changing the street address, and coordinating the parking.

Vice-Chairman Pane: Okay, when we come to that page.

Commissioner Camerota: Well, it was on 28.

Ed Meehan: It was on 29.

Commissioner Anest: It was on page 29, change the address, number four.

Ed Meehan: I'm not sure it is just simply changing the address, to solve the problem there.

Vice-Chairman Pane: I'm not in favor of changing the address.

Ed Meehan: It's a bigger issue of traffic safety and pedestrian access, and the overall master plan for the town hall parking lot and library parking lot. I think they would merit a ten year look in your plan.

Commissioner Aieta: What page are we on now?

Vice-Chairman Pane: We're going to move over to page 37. On 37 we ended up taking 11 out and number 13 I think, right?

Ed Meehan: Yes. Is that any area you still want to consider, number 13?

Vice-Chairman Pane: Well, we are going to take out 11 and then as far as 13 as that is transit orientated, we will come back to that.

Commissioner Aieta: On the areas east of the town center, it says treat the existing vacant property along the north side of East Cedar Street, opportunity site fourteen and fifteen, as special mixed use gateway districts with important issues relating to future land use and the parcels are, and we took out some language there, but this, fourteen and fifteen, that's the property that came in for the zone change? Is that the parcel that we are talking about?

Ed Meehan: One of these is the former Lowe Manufacturing site, the ten acre site there and fifteen I believe is the twenty-eight acres, I'll get the opportunity map out,.....

Commissioner Aieta: I have a problem with the, it says opportunity as a special mixed use gateway district, so we are putting in a new zoning district for this specific site.

Ed Meehan: That would be something that you could entertain as a, this language actually goes back to the 1995-2005 Plan in that it was put in there as an opportunity site to eliminate the manufacturing properties as you drive into town. That is what generated the change there to Berlin Business Turnpike uses and the Hunter project.

Commissioner Aieta: Both parcels are already zoned. If you make the change to PD zone on those parcels currently, right?

Ed Meehan: One was changed from industrial to Berlin Business Turnpike....

Commissioner Aieta: Right.

Ed Meehan: And the, that was the former Lowe property. The property abutting to the west which is the twenty-eight acre Marcap piece is still in the commercial development zone.

Commissioner Aieta: So we are looking to change the zone on that particular piece or make a special zone for that specific piece of property?

Ed Meehan: I think that is what this strategy is suggesting is if you are going to look at changes to land use up there it be treated as an isolated special district, a gateway district, where you could have some design controls. It wouldn't be your routine Planned Development or Berlin Turnpike zone, it would be a zone created to control the uses of that location, like a floating zone that descends to that location where you have some additional controls over the uses.

Vice-Chairman Pane: That might conflict with some of the previous things that we have said about keeping the zones the way that they are.

Commissioner Aieta: I would consider this, a change in that, to treat the existing vacant property on the north side of East Cedar Street as currently zoned. I mean, I don't know if we want to start taking one specific piece of property and re-zoning the one specific piece of property. We're not looking at the whole mountain, we are looking at one specific piece, and that is the piece that came in for the zone change.

Ed Meehan: No, this is broader than that. This includes, well, the Hunter piece is already re-zoned, from Industrial to Commercial, but it's got the Marcap piece, you've got that small little piece of Jensen Machine in there, which is still in the industrial zone so it's not just one piece of property.

Vice-Chairman Pane: Maybe that property should stay, instead as mixed use gateway it should just say, as currently zoned. Because we talked about this briefly I think, before.

Commissioner Aieta: When you get into this (inaudible) of mixed use, you know, I understood what the attorney said, that things should be flexible enough to allow to do different things, but it is also, this plan could be used as a tool for attorneys to take it to court and when it is so vague you could get two attorneys reading the same sentence and come up with two different opinions and two different conflicting thoughts and they could use this as a tool against this Commission to say that it is so vague that they can interpret it anyway they want.

Ed Meehan: Except you guys interpret it. They would have to override you on a zoning change.

Commissioner Aieta: When you say it is a special mixed use, you open it up for residential development, and we heard the outcry from the public, they don't want residential development up on that mountain. I think you have to send a message to, and make this plan reflective of what the public brought forth to this, all those meetings that we had in the auditorium, two, three hundred people showed up and said that they didn't want residential development, particularly on that piece and we are talking about looking at a couple pieces of property and rezoning just a couple of pieces.

Vice-Chairman Pane: Other Commissioner's comments?

Commissioner Hall: I don't think they were talking about residential, I think they were talking about any development.

Commissioner Aieta: Well, they have to be realistic because it is a piece of property that came in for a zone change, it's currently zoned commercial. That property owner could come in tomorrow if he had a viable plan and petition this Commission to go forward with the site plan, and the Commission would be hard pressed legally to say to him, no you can't do this and you can't do that because he has certain rights, he has inherent rights to use his property under the Constitution of the United States.

Commissioner Hall: I understand that.

Commissioner Aieta: You can't say, people have to understand that he does have rights to use the property and it's currently zoned commercial and he could come in tomorrow with a commercial development. Is that likely, I don't know. They were adamant about the residential portion, they were adamant about that, having houses on that piece.

Ed Meehan: I think about look at this is what is the least impact development impact on this sensitive piece of property. We've seen conceptual plans for residential and the applicant that was most recent really never got before you because it was withdrawn, but before that there was some fairly high density residential, high rise, four or five stories which the Commission did not favorably receive. We have also seen a commercial subdivision and I think a commercial subdivision, to make a site as difficult as this work, the grading and the flattening of the property has more impact than a well done residential. If you had to pick between one or the other, I think commercial would be the least sensitive to this property, except if you had an institutional type commercial use, which these property owners could come in right now as a special exception, a congregate care facility, Alzheimer's center and tuck it into the terrain up there, and have one driveway in and out with low traffic generation, it may work for the topography. But, again I think the key here is.....

Commissioner Aieta: I think that piece would work there, but I think it would have to be scaled down to where it's not financially beneficial to put a commercial development there. Maybe the restrictions of the land, and the topography of the land restrict it to the point where a commercial development would have to be scaled back so much that maybe it's not viable for the piece, but you know, that's what it's zoned, and you have to live with what you have.

Vice-Chairman Pane: What do the Commissioners want to do on this? Any other comments on the wording here which says special mixed use, gateway district? How about if we treat the existing vacant property along the north side of East Cedar Street opportunity sites fourteen and fifteen, as currently zoned?

Commissioner Anest: I think that sounds good, I think it should stay the way that it is. I don't think we should have to go into a different, mixed use gateway, I agree with you.

Ed Meehan: Do you still want to keep, A, B, C, D?

Vice-Chairman Pane: Yes. Any other comments from the Commissioners?

Commissioner Hall: Is A somewhat in conflict with page 18, number five? We're talking about Cedar Mountain should be preserved as open space, and then we are talking about control the height, placement, and appearance of structures to preserve the open space quality of the Cedar Mountain ridge line.

Vice-Chairman Pane: Well, it's not really in conflict because that, there is some land up there that is zoned so if it doesn't become open space, we want to control the height and the

placement of the structures to protect the wetlands and the ridge line and so on, if by chance something does get developed up there.

Any other comments? Anything else on that page? Let's move onto page 38. I had one thing, towards the bottom here, Ed, where we say recognize that home businesses occupations increase employment opportunities for Newington residents but their impact on adjacent neighborhoods should not cause a nuisance. Business uses of residential property should not permit retail sales, and then I was going to add, storage of equipment or trucks, and then go into personal services or consulting with clients, just to make sure that we protect these residential zones from unnecessary storage or blight or things like that.

Ed Meehan: Storage of commercial equipment such as.....

Vice-Chairman Pane: You know, contractor's equipment, something like that basically.

Commissioner Aieta: Trucks with company names on them.

Commissioner Hall: I have a question on that. When we are talking about personal services or consulting with clients within the home, right now they are allowed to do that, and, for instance you have a home based business, an accountant, a photographer, an attorney, educational tutor, what does this do to that if you are saying, should not permit services or consulting with clients within the home?

Ed Meehan: Well, you can do those only by special exception, you can't use more than twenty-five percent of your floor space, but there is also provision in the regulations where you can do a home business by right, you just have to register with the Town Clerk. Those are the businesses that have to be done without clients or supplies or deliveries coming to your house, that is what I think this is intended to address. So if someone what to do a consulting.....

Commissioner Aieta: I have had a home business in my home for over thirty years and I don't have trucks or employees, I run by business out of my house, it's basically myself.

Commissioner Hall: My question is, are we limiting things that have existed such as accountants, photographers, attorney, educational tutors, are we now, or does the regulation still allow for that under special

Vice-Chairman Pane: Yeah, under special exception in our regulations, somebody could come in and present just about anything and then provided it meets certain requirements and it's not going to be a nuisance to the neighbors, and cause too much traffic, then we aren't going to limit anything, correct?

Ed Meehan: Yes, it has to be a professional occupation. You can't do a hair salon, nail salon.

Vice-Chairman Pane: Okay, we have page 42, does anybody have any comments on community facilities? This is where the Newington library stuff comes up here,.

Ed Meehan: They had, the issue with the master plan that has been talked about for Mill Street here and the library parking and the town hall parking falls under this. They had some comments supporting that, but they also had some concerns about if Mill Street was opened, the concern for pedestrian patrons possibly, trying to cross to the library. I think that is covered in this plan, by the recommendation that the library parking by on the east side of Mill

Street orientated to a new façade or new entrance into the library where people wouldn't have to cross the street.

Vice-Chairman Pane: Right, and then the town will pick up some additional parking spaces, I think that is a good plan. All right, any other comments? Page 44 and 45?

Commissioner Hall: I just have a question on 9. Town Municipal Solid Waste Transfer Station, can you describe that a little bit to me? What do we mean by that?

Ed Meehan: This is a, this is really a visioning strategy here. The whole issue of what is going to go on with the Connecticut Resource Recovery Authority and the towns in the capital region, some towns are looking to create their own transfer stations, opting out of the CRRRA and since we do have freight service in Newington, one opportunity might be near the town garage. Make that a transfer station, that is what this is about.

Vice-Chairman Pane: Any other comments or questions? Let's move on to 46. We didn't have any changes on there earlier, the last couple times we have gone through there. Does anybody have any corrections or anything? Move onto 48 and 49. I don't notice anything, we have one or two little changes here on fourteen, clarifications and since that is dealing with the transit area we can go back to that for the next meeting. Page 49, anybody have anything. Page 50?

Commissioner Aieta: Mr. Chairman, under public communications, I just have some questions, consulting companies on the infrastructure that could be brought to Newington to increase telecommunications and might facilitate employment opportunities. What does that mean? Normally utility companies, I don't know what kind of opportunities there could be for employment, enhance employment through a utility company. What are we trying to say here?

Commissioner Hall: Home businesses with the internet.....

Ed Meehan: Fiber-optics, high speed, wi-fi, some neighborhoods in Hartford actually have wi-fi, that type of thing.

Commissioner Aieta: Okay, that's what that means.

Ed Meehan: Maybe it should be, obviously needs to be better worded if you don't get it, no one else is going to get it either.

Vice-Chairman Pane: Maybe you could look at that, and then, the next one down, does the town, it talks about the cell tower services and whether or not the town is going to basically look for areas to put these towers up, and I have to wonder whether or not the Town of Newington already has plenty of cell towers in place now and whether or not we should even be looking for any new areas unless something is a safety issue and then maybe picking up from one of the other towers that are in here to correct any safety or dead zones. I don't think the town, my opinion is, I don't think the town should be in the cell tower business and go look for additional cell tower locations in town. I think we have a sufficient amount of coverage. I'll open it up for Commissioner comments.

Commissioner Aieta: You are specifically talking about town owned properties. So, that is a Council thing, whether they want to be in the cell tower business and they are grappling with it right now, with, where do they want to put one now?

Ed Meehan: Churchill Park, the back part of Churchill.

Commissioner Aieta: They are agonizing over what to do with that right now.

Ed Meehan: That will come before your board as a 8-24 referral because it is a land lease situation. I was involved a little bit with the Newington Police Department on this because of land use issues. What the cell tower locators are telling municipalities is that the new telecommunication equipment requires towers to be closer together because of all the dropped calls and the heavier usage. We do have a couple of dead areas in Newington that the police department would like cover, the back side of Little Brook and down in the Webster Street, Kelsey Street area, down in your neighborhood, back in there. That is why Newington police is interested in these projects. So we have some property. The most recent one that was approved was Anna Reynolds, the back part of that school yard. I don't know what is going to happen with the Council on Churchill. There are still some unanswered health questions here that are always a concern. No one really knows the answers to some of that, but I'm not sure, maybe it shouldn't be the Town evaluate, maybe, because we didn't evaluate these. The professional telecommunications people do propagation maps, and they come in and say, these are dead zones, not just for Nextel or Sprint or Verizon. They could have different carriers that need space, and then they look for a site, and if the town happens to be a property owner in that area, they come to a municipality because having a municipality as a partner when they go to the Connecticut Siting Council is a plus, particularly if they have safety equipment on the top, the top bar. That is the benefit to us, we get leasing and safety coverage.

Vice-Chairman Pane: Maybe you could look at both those areas and clean it up a little bit, reword it. Any questions?

Commissioner Camerota: I guess my comments on that is that we aren't really the ones that are evaluating.

Ed Meehan: The word evaluate is a misnomer there I think.

Commissioner Camerota: Maybe, careful consideration should be given to relocating.....

Vice-Chairman Pane: Okay, page 52. Consistency with state and regional plans, I think that is pretty straight forward. We're on page 54, and 55....

Commissioner Aieta: Page 54, principals, number 3, that has to do with the transit, and I had some questions there, but if we are going to look at this whole transit thing differently then.....

Vice-Chairman Pane: Why don't you mark that area so that we can go over that at the next meeting. Is there anything else on that page 54 from any of the other Commissioners? Page 55, Implementation, I think that is straightforward. We have looked at this three times and we haven't had any other changes on that. Page 56, I don't have anything there from the last couple of meetings for changes either. So I think we are all set, I think we did a good job.

Commissioner Anest: Are you going to take care of the corrections on the acknowledgement page?

Ed Meehan: Yes.

Commissioner Camerota: Just for the record, my name has one "L"

Ed Meehan: I'll take care of that.

Vice-Chairman Pane: I think we did a good job. We're, before the next meeting we will review the information that we received tonight and we'll study that and go over the transit areas for next meeting.

XI. STAFF REPORT

Ed Meehan: We have made some progress on Circuit City. Circuit City is now owned by Welles Fargo Bank and it's being managed by a company out of Stamford, Grubbs and Ellis are the property managers. Through our Health District, we tracked down the property manager. They have restored some of the power to the site, they have more security lighting on, which should help to reduce some of the vandalism there. If that doesn't work, they may put up a security fence and we've been told that, by the property manager, when the weather permits they will go out and sandblast the building and repaint it. They are very active, met with the real estate broker two weeks ago, they are keeping my eyes and ears open for potential tenants.

Vice-Chairman Pane: That was thanks to Michele for bringing that to our attention. There are probably a lot of other areas in town that have similar problems or we have blight, junk cars, other things, maybe we can come up with a couple of ideas on how to take care of that.

Commissioner Anest: I have a question. You know those portable self storage people put on their property. How long are they allowed to stay on the property?

Ed Meehan: We don't have anything in the regulations that if someone is moving in and out....

Commissioner Anest: Someone is using it for storage.

Ed Meehan: Storage, like long term storage?

Commissioner Anest: Yeah.

Ed Meehan: If it doesn't meet a side yard requirement, it could be a zoning violation.

Commissioner Anest: And then, the same storage has graffiti on it.

Ed Meehan: In a residential area?

Commissioner Anest: Yeah, well, commercial, it's the automobile repair on the corner of Main and Dowd. You've got a self storage unit, and it's been sitting there for a while but now you've got graffiti, if you are going south on Main you can see the whole side has graffiti on it. I know I'm noticing it more and more around town.....

Ed Meehan: Does it say PODS on it?

Commissioner Anest: No, it's a different company.

Vice-Chairman Pane: Any other comments?

Commissioner Aieta: We keep receiving reports from the Zoning Enforcement Officer and they are very hard to understand. I've noticed that some of the items on this report have

been there for years. The guy has a truck and he doesn't remove the truck and then he moves it and then it's the same item over and over and over and over again. There has to be a way to help the enforcement officer move some of these things off of this report and get some action that finalizes some of these things and move them along. I mean, I've seen the same report for months and it's the same people, over and over and over again.

Ed Meehan: It's the same people and.....

Commissioner Aieta: Don't we have ticketing authority or.....

Ed Meehan: We use the zoning citation process where he gives the property owner a verbal warning and gives them twenty-four hours or seventy-two hours and with the situations particularly you are seeing a lot of people, storage, commercial equipment in residential areas, trucks being brought home, signs and so they move it after seventy-two hours but it goes down as a violation sent, and then a month later, the guy pops up again. I mean, there are a couple that I know that Mr. Hanke is working with the Town Attorney on that we call frequent fliers. We are at the point where each case is a separate violation, and so they take care of it, they don't appeal it, so we can't get them before a local hearing officer, but there is one situation at a location in town where they are constantly bringing back commercial property. I think the next move there is to work with the Town Attorney and use his office and perhaps Superior Court to see if we can get something over at Superior Court. It's temporary, these things are not like the typical zoning violation.

Commissioner Aieta: I understand that people stop and then they continue to do it.

Ed Meehan: West Hartford, and we looked at this a few years ago before we got into the citation process, actually does have a ticketing method. They charge a fine and they use the police department to issue it. Particularly for cars, and what you have to do is to track down the owner of the car and cite him for an unregistered car or something like that.

Commissioner Aieta: How does he go about doing zoning enforcement? Is it based on complaints from residents, is that how he.....

Ed Meehan: It's both. It is what he observes and what a building inspector or someone on staff tells him, as well as complaints. We get a lot of complaints now through the town computer system. He'll go out, but it's a little of both.

Vice-Chairman Pane: Years ago we used to have the Zoning Enforcement Officer come once in a while to the meetings. That might be something that we might want to start back up, maybe come once a month so that he can explain the sheets that he gave us so that in case we have any questions for him concerning particular pieces of property, we can address it then, and we can direct him to look at certain areas that we noticed that might be problem areas. So it might be something that, once a month, to help this kind of thing, and to clean up blight and so on, there's a lot of things, he's probably got to be given some kind of direction on what to go look for and stuff.

Commissioner Aieta: I agree with that, and I can only tell us this. From the time that I sat on this Commission and there are people who have sat on this Commission in years past, I mean, you were the Chairman at one point, the Zoning Enforcement Officer, the Building Inspector, the Town Engineer and the Town Planner were required to be at all the Zoning meetings, so that when something came up that pertained to an engineering problem, the engineer was here. Peter Arbour was here at every single meeting. When Wayne Bell was

the Building Inspector and the Zoning Enforcement Officer he was here at every meeting, and somehow it changed in the last I don't know how many years.

Ed Meehan: It wasn't the most productive use of staff time to be frank, to have a guy sitting here for two hours, three hours.....

Commissioner Aieta: I understand that, I don't want someone sitting here for three hours but we aren't getting anything moved off of these, I mean, there's a problem here, we keep getting the same report and there has to be some consistency in his enforcement, also.

Vice-Chairman Pane: May I make a suggestion, Ed, could you put this down as a area that we can discuss next meeting, and everybody can think about this and maybe by the once a month.....

Commissioner Aieta: It doesn't have to be once a month, it can be every two months, but, at some point, I've been on the Commission since May, and it's the same report. Then I don't even understand what the abbreviations mean on the report. I don't even understand the report.

Ed Meehan: Well, when it's appropriate, we can take some time and go through it.

Commissioner Aieta: Okay.

Vice-Chairman Pane: We'll put that on the agenda, Frank, for the next meeting so that as a Commission we can talk about that, and how we can clean up and better achieve a nicer town by cleaning up the blight and the junk and the other things that are problem issues and directing our enforcement officer to be more consistent and to be out there a little bit more to catch these problems.

Commissioner Schatz: One thing, Ed, when we were talking, this is just for information, on the transfer station, when we talked about that, up in Dennis Massachusetts, they have an outfit that is coming in, and I will drop the article and the report off to you, and maybe the Town Manager, they have an outfit that will come in and put up a building on your site, town site, and they take everything that we could throw at them, don't ask me how it works, and they turn out a product at the end within a week, or two weeks, and the town gets ten percent of all the mulch and everything they turn out.

Ed Meehan: This is a vegetation waste site?

Commissioner Schatz: Vegetation, everything, from what they were talking about. I will drop the article off, I was trying to understand it, but I'm thinking, that would be pretty good. They will put the building up. The building is a million, two million dollars, so I'm just thinking maybe it's a way of not doing some other things that we would have to, and make money at the same time.

Commissioner Camerota moved to adjourn the meeting to go into Executive Session at 8:15 p.m. The motion was seconded by Commissioner Schatz. The vote was unanimously in favor of the motion.

XII. ADJOURNMENT

Commissioner Camerota moved to adjourn the Executive Session at 8:45 p.m. The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with seven voting YES.

Commissioner Camerota moved to adjourn the regular meeting at 8:45 p.m. The motion was seconded by Commissioner Anest. The vote was unanimously in favor of the motion, with seven voting YES.

Respectfully submitted,

Norine Addis,
Recording Secretary.